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Oceans and the law of the sea

Letter dated 22 October 2007 from the Permanent Representatives of Indonesia, Malaysia and Singapore to the United Nations addressed to the Secretary-General

We have the honour to inform you that the Governments of Indonesia, Malaysia and Singapore, with the close collaboration of the International Maritime Organization, convened a meeting on the Straits of Malacca and Singapore: enhancing safety, security and environmental protection in Singapore from 4 to 6 September 2007. The meeting was a continuation of similar meetings held in Jakarta on 7 and 8 September 2005 and in Kuala Lumpur from 18 to 20 September 2006, which provided an avenue for engagement between littoral States and other interested parties on matters relating to the safety, security and environmental protection of the Straits of Malacca and Singapore, while respecting the sovereignty and territorial integrity of the littoral States.

The Singapore meeting formally established the Cooperative Mechanism for enhancing safety of navigation and environmental protection in the Straits of Malacca and Singapore. The meeting produced the Singapore Statement (see annex), which emphasizes the need to continue supporting the work of the Tripartite Technical Expert Group on Safety of Navigation in enhancing the safety of navigation and protection of the marine environment of the Straits, as well as the Cooperative Mechanism established by the littoral States to promote dialogue and close cooperation between the littoral States, user States, the shipping industry and other stakeholders on the safety of navigation and environmental protection.

We would be grateful if you would circulate the present letter and its annex as a document of the General Assembly under agenda item 77 (a). We hope that it will provide useful input for the discussion of this agenda item.

(*Signed*) R. M. Marty M. **Natalegawa**
Ambassador and Permanent Representative
Permanent Mission of Indonesia to the United Nations

(*Signed*) Hamidon **Ali**
Ambassador and Permanent Representative
Permanent Mission of Malaysia to the United Nations

(*Signed*) Vanu Gopala **Minon**
Ambassador and Permanent Representative
Permanent Mission of Singapore to the United Nations

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Annex to the letter dated 22 October 2007 from the Permanent Representatives of Indonesia, Malaysia and Singapore to the United Nations addressed to the Secretary-General

Singapore Statement

on

enhancement of safety, security and environmental protection in the Straits of Malacca and Singapore

Singapore, 6 September 2007

The Government of the Republic of Singapore and the International Maritime Organization (hereinafter referred to as "IMO") convened, pursuant to the decisions of the Meeting on the Straits of Malacca and Singapore: Enhancing Safety, Security and Environmental Protection held in Kuala Lumpur, Malaysia from 18 to 20 September 2006 (hereinafter referred to as "the Kuala Lumpur Meeting") and of the ninety-seventh session of the Council of the IMO in relation to the Protection of Vital Shipping Lanes, a Meeting on the Straits of Malacca and Singapore: Enhancing Safety, Security and Environmental Protection, which took place in Singapore from 4 to 6 September 2007 (hereinafter referred to as "the Singapore Meeting"). The Singapore Meeting was organized in co-operation with the Government of the Republic of Indonesia and the Government of Malaysia.

The purpose of the Singapore Meeting was to provide a follow-up forum to build on the outcome of the Meeting on the Straits of Malacca and Singapore: Enhancing Safety, Security and Environmental Protection held in Jakarta, Indonesia on 7 and 8 September 2005 (hereinafter referred to as "the Jakarta Meeting") and the Kuala Lumpur Meeting. During the Singapore Meeting, Indonesia, Malaysia and Singapore (hereinafter referred to collectively as the "littoral States") presented, *inter alia*: the actions taken by them in enhancing safety, security and environmental protection in the Straits of Malacca and Singapore (hereinafter referred to as "the Straits") since the Kuala Lumpur Meeting; details on the Co-operative Mechanism they have established following the outline they provided during the Kuala Lumpur Meeting; and the progress made with regard to securing sponsors for the six projects on enhancing the safety of navigation and environmental protection in the Straits they presented during the Kuala Lumpur Meeting. The littoral States, user States and users of the Straits exchanged views on related matters and the participants were updated on the latest developments following the start of the implementation of the Marine Electronic Highway demonstration project for the Straits.

The Singapore Meeting was attended by Indonesia, Malaysia and Singapore and by delegations from:

ANGOLA
AUSTRALIA
BAHAMAS
BANGLADESH
BELGIUM
BRUNEI DARUSSALAM
CAMBODIA
CANADA
CHINA
CYPRUS
DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA
DENMARK
FINLAND
GERMANY
GREECE
INDIA
ITALY
JAPAN
KENYA
LAO PEOPLE'S DEMOCRATIC REPUBLIC
LIBERIA
MYANMAR
NEW ZEALAND
NORWAY
PANAMA
PAPUA NEW GUINEA
PHILIPPINES
REPUBLIC OF KOREA
RUSSIAN FEDERATION
SAUDI ARABIA
SOUTH AFRICA
SWEDEN
THAILAND
TURKEY
UKRAINE
UNITED ARAB EMIRATES
UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND
UNITED STATES

by a representative from the following United Nations specialized agency:

WORLD BANK GROUP

by observers from the following intergovernmental organization:

INTERNATIONAL HYDROGRAPHIC ORGANIZATION (IHO)

and by observers from the following non-governmental organizations:

INTERNATIONAL CHAMBER OF SHIPPING (ICS)

INTERNATIONAL TRANSPORT WORKERS' FEDERATION (ITF)

INTERNATIONAL ASSOCIATION OF MARINE AIDS TO NAVIGATION AND LIGHTHOUSE AUTHORITIES (IALA)

BIMCO

OIL COMPANIES INTERNATIONAL MARINE FORUM (OCIMF)

INTERNATIONAL FEDERATION OF SHIPMASTERS' ASSOCIATIONS (IFSMA)

INTERNATIONAL ASSOCIATION OF INDEPENDENT TANKER OWNERS (INTERTANKO)

THE INTERNATIONAL GROUP OF P & I ASSOCIATIONS (P & I Clubs)

THE INTERNATIONAL TANKER OWNERS POLLUTION FEDERATION LTD (ITOPF)

SOCIETY OF INTERNATIONAL GAS TANKER AND TERMINAL OPERATORS LIMITED (SIGTTO)

INTERNATIONAL PARCEL TANKERS ASSOCIATION (IPTA)

MALACCA STRAIT COUNCIL

THE NIPPON FOUNDATION

ASIAN SHIPOWNERS' FORUM

The SINGAPORE MEETING,

UPHOLDING the Batam Joint Statement, adopted on 2 August 2005 by the Fourth Tripartite Ministerial Meeting of the Littoral States on the Straits of Malacca and Singapore,

RECALLING the achievements of the Jakarta and Kuala Lumpur Meetings and upholding also the Jakarta Statement[1], adopted on 8 September 2005 by the Jakarta Meeting, and the Kuala Lumpur Statement[2], adopted on 20 September 2006 by the Kuala Lumpur Meeting,

RECALLING ALSO that the Straits are located within the territorial sea of Indonesia, Malaysia and Singapore and within the continental shelf and the exclusive economic zone of Malaysia and Indonesia and are straits used for international navigation as defined in the United Nations Convention on the Law of the Sea (hereinafter referred to as "UNCLOS"),

RECOGNIZING the continued strategic importance of the Straits for regional and global seaborne trade and economy and the need to ensure that they remain safe and open to shipping at all times,

RECOGNIZING ALSO the importance of enhancing the safety, security and protection of the marine environment of the Straits and the possibility that unlawful acts committed therein may have a negative impact on the flow of traffic there-through; and, consequently, on trade and the economy,

RECOGNIZING FURTHER the equally important role of the Straits in contributing towards the development and enrichment of the economies and people of other States,

AFFIRMING the sovereignty, sovereign rights, jurisdiction and territorial integrity of the littoral States over the Straits, as provided for under international law, in particular UNCLOS, and that the primary responsibility over the safety of navigation, environmental protection and maritime security in the Straits lies with the littoral States,

COMMENDING the sustained efforts and achievements of the Tripartite Technical Experts Group on Safety of Navigation (hereinafter referred to as "TTEG on Safety of Navigation") in enhancing safety of navigation and protection of the marine environment in the Straits,

ACKNOWLEDGING that the TTEG on Safety of Navigation is an effective mechanism for advancing future co-operation efforts among interested parties consonant with article 43 of UNCLOS,

ACKNOWLEDGING ALSO the role of IMO, the user States, the shipping industry and other stakeholders in co-operating with the littoral States in promoting and enhancing safety of navigation and environmental protection, and in ensuring the uninterrupted flow of traffic in the Straits,

WELCOMING the progress made in relation to the implementation of the Marine Electronic Highway Demonstration Project for the Straits of Malacca and Singapore,

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[1] The Jakarta Statement is set document IMO/JKT 1/2. It is also found in document C/ES.23/8 (Secretary-General), annex 2 and in document IMO/SGP 1/INF.3, annex 5

[2] The Kuala Lumpur Statement is set out in document IMO/KUL 1/4. It is also found in document C 97/12 (Secretary-General), annex 2 and in document IMO/SGP 1/INF.3, annex 6.

COMMENDING the significant and effective efforts of the littoral States since the Kuala Lumpur Meeting in enhancing safety of navigation, environmental protection and security in the Straits; and, in particular, in reducing substantially the number of shipping incidents, oil spill incidents from ships, and armed robbery and other unlawful acts against ships,

COMMENDING FURTHER the joint efforts of the armed forces of the littoral States in contributing to the security of the Straits, through the Malacca Straits Sea Patrols and the "Eyes in the Sky" maritime air patrols, as formalized by the signing of the Malacca Straits Patrol Standard Operating Procedures on 21 April 2006,

WELCOMING WITH APPRECIATION the establishment by the littoral States of the Co-operative Mechanism between the littoral States and user States on safety of navigation and environmental protection in the Straits[3], consisting of three components namely the Co-operation Forum, the Project Co-ordination Committee and the Aids to Navigation Fund (hereinafter referred to as "Co-operative Mechanism"), the aim of which is to facilitate regular discussions, exchange of information and co-operation between littoral States, user States, the shipping industry and other stakeholders for the enhancement of safety of navigation in and protection of the environment of the Straits,

RECOGNIZING that the establishment of the Co-operative Mechanism represents, notwithstanding the role of the TTEG on Safety of Navigation, a historic breakthrough and landmark achievement in co-operation between States bordering a strait used for international navigation and user States as well as other interested stakeholders, and, for the first time, brings to realization the spirit and intent of article 43 of the UNCLOS,

RECOGNIZING ALSO the importance and potential of the Co-operative Mechanism in promoting dialogue and co-operation on matters pertaining to the enhancement of the safety of navigation in, and the protection of the environment of, the Straits,

NOTING WITH APPRECIATION that the Information Sharing Centre (hereinafter referred to as "the Centre") of the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia is already operational and welcoming the indication of preparedness of Indonesia and Malaysia to co-operate with the Centre,

NOTING WITH APPRECIATION ALSO the contribution States and other stakeholders have made and continue to make towards the enhancement of the safety of navigation in, and the protection of the environment of, the Straits,

RECALLING that the littoral States identified, during the Kuala Lumpur Meeting, six projects aimed at enhancing the safety of navigation in, and the protection of the environment of, the Straits (hereinafter referred to as "the six projects") and that the Kuala Lumpur Meeting has agreed that the implementations of the six projects should be supported,

COMMENDING the States which initiated a process, or made arrangements, for supporting or undertaking the implementation of some of the six projects or parts thereof,

DESIRING that the Straits remain safe and open to international shipping at all times, in accordance with international law, in particular UNCLOS, and, where applicable, domestic law, and to build upon and enhance existing co-operative arrangements and measures towards this end,

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[3] Refer to document IMO/SGP 1/2.1/1 (Indonesia, Malaysia and Singapore).

DESIRING FURTHER to continue to enhance the safety, security and environmental protection of the Straits,

HAS AGREED that:

(a) the work of the TTEG on Safety of Navigation, in enhancing the safety of navigation and in protecting the marine environment in the Straits, should continue to be supported and encouraged;

(b) the Co-operative Mechanism, which comprises of the Co-operation Forum, the Project Co-ordination Committee and the Aids to Navigation Fund, should be supported and encouraged;

(c) user States, shipping industry and other stakeholders should seek to participate in and endeavour to contribute, on a voluntary basis, to the work of the Co-operative Mechanism;

(d) the projects[4] presented at the Kuala Lumpur Meeting or parts thereof which have not yet attracted sponsors should be supported; and

(e) the littoral States should continue their efforts towards enhancing maritime security in the Straits and that such efforts should be supported and encouraged;

HAS INVITED the IMO to participate in the Co-operative Mechanism, to continue to co-operate with the littoral States and to provide every assistance possible in attracting sponsors for the projects presented during the Kuala Lumpur Meeting and contributors for the establishment, maintenance, repair and replacement of the aids to navigation in the Straits;

EXPRESSED DEEP APPRECIATION to the Government of the Republic of Singapore for the excellent arrangements made for, and for the facilities and generous hospitality provided during, the Singapore Meeting; and to the Governments of the Republic of Indonesia, Malaysia and the Republic of Singapore and the International Maritime Organization for their diligent efforts to prepare for the Singapore Meeting and ensure its successful conclusion.

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[4] Refer to document IMO/KUL 1/3. The littoral States have updated the projects presented during the Kuala Lumpur Meeting and the updated versions of the projects are provided in document IMO/SGP 1/3 (Indonesia, Malaysia and Singapore).